

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 23, 2014

The North Cass Water Resource District met on September 23, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Michael R. Buringrud, Chairman; Wes Ecker, Manager; Robert Thompson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; and Curtis Vanek, property owner in Gardner Township.

**Minutes**

It was moved by Manager Ecker and seconded by Manager Thompson to approve the minutes of the July 22, 2014, meeting. Upon roll call vote, the motion carried unanimously.

**Application to Drain No. 4514 – Cass County Drain #55 Improvements Project**

The Board reviewed information from the State Engineer regarding *Application to Drain No. 4514*, previously submitted by the North Cass Water Resource District regarding the proposed *Cass County Drain #55 Improvements Project*. The Board previously approved a *Resolution of Necessity* regarding the *Cass County Drain #55 Improvements Project* in which the Board concluded the project is necessary and will benefit the Drain #55 watershed, and in which the Board directed Moore Engineering to prepare an application on the Board's behalf regarding a surface drainage permit from the Office of the State Engineer. More specifically, the Board declared the necessity to construct the *Cass County Drain #55 Improvements Project*, a project that will include the preliminary analysis, design, and construction of additional channel bottom capacity and side slope improvements; relocation, installation, and improvements of intercept drainage culverts; design, redesign, construction, and reconstruction of roadway crossing improvements; purchasing and acquiring additional right of way to accommodate the drainage improvements; and other work necessary and incidental to the reconstruction and improvement of Drain #55.

The Board submitted a drainage permit application regarding the Drain #55 Project to the Office of the State Engineer, as required under North Dakota law. The State Engineer reviewed the application and concluded the project is not "of either statewide or interdistrict significance." The State Engineer subsequently forwarded *Application to Drain No. 4514* to the Board for consideration, review, and final approval in accordance with North Dakota law.

The Board reviewed and adopted Moore Engineering's proposed responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board is acquiring the requisite right of way to accommodate the project, and the right of way acquisition will eliminate adverse impacts to private landowners. Therefore, the Board concluded no hearing was necessary.

It was moved by Manager Thompson and seconded by Manager Ecker to approve *Application to Drain No. 4514* for the North Cass Water Resource District regarding the *Cass County Drain #55 Improvements Project*, subject to the conditions attached by the Office of the State Engineer. Upon roll call vote, the motion carried unanimously.

Carol Harbeke Lewis will provide the original, signed permit and all supporting documents to Aaron Carranza at the Office of the State Engineer.

#### **Township approval / permit form for use with tile permit applications**

Mr. Fredricks presented the newly developed *Township Discharge Permit* for use by townships regarding subsurface drain applications. It was moved by Manager Ecker and seconded by Manager Thompson to adopt and incorporate into procedures the use of the *Township Discharge Permit* form. Upon roll call vote, the motion carried unanimously.

#### **Application to Install a Subsurface Drain #201413 for Douglas Rensvold in Section 34 in Noble Township**

The Board reviewed *Application to Install a Subsurface Drain #201413* dated August 20, 2014, for Douglas Rensvold. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements. Therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicant seeks to install a drain tile system in the W 1/2 W 1/2 of Section 34 in Noble Township, Cass County, North Dakota, with the exception of the South 610 feet of the West 570 feet of the W 1/2 W 1/2 of Section 34 (a farmstead not owned by Applicant). The project will include two outlets; the first will be a gravity outlet that will discharge to the north directly into Drain #32. The second outlet will be a pump outlet that will discharge to the south directly into Drain #22. The North Cass Water Resource District owns and operates Drains #22 and #32.

Mike Opat reviewed the application and indicated that because the project will discharge directly into two legal assessment drains, the Board should require Applicant to install and maintain erosion protection to protect Drains #22 and #32. Further, because the proposed project will discharge directly into Drains #22 and #32, the application did not require a *Thirty-Day Notice* under N.D. Century Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Applicant Douglas Rensvold owns all of the W 1/2 W 1/2 of Section 34, with the exception of the South 610 feet of the West 570 feet.

It was moved by Manager Ecker and seconded by Manager Thompson to approve *Utility Permits* regarding the gravity outlet into Drain #32 and the pump outlet into Drain #22, and to approve *Application to Install a Subsurface Drain No. 201413* dated August 20, 2014, for Douglas Rensvold in the W 1/2 W 1/2 of Section 34 in Noble Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into Drain #22 and Drain #32 (Applicant is solely responsible for any damages to Drain #22 or to Drain #32 as a result of the tile project);
- 3) That Applicant notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the North Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board;
- 6) That Applicant obtain an approved *Utility Permit* from the North Cass Water Resource District regarding any and all outlets into Drain #22;
- 7) That Applicant obtain an approved *Utility Permit* from the North Cass Water Resource District regarding any and all outlets into Drain #32; and
- 8) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application No. 6698 for Tim McPherson to divert water from ground-water sources in the NE 1/4, NW 1/4 and SE 1/4 of Section 25 and in the SE 1/4 of Section 34 in Page Township for irrigation purposes**

The Board authorized the Secretary-Treasurer to send a letter to the Office of the State Engineer stating the Board had no comment regarding *Application No. 6698* for Tim

McPherson to divert water from ground-water sources in the NE 1/4, NW 1/4 and SE 1/4 of Section 25 and the SE 1/4 of Section 34 in Page Township for irrigation purposes.

**Application No. 6699 for Tyler McPherson to divert water from ground-water sources in the NW 1/4 and SW 1/4 of Section 7 in Erie Township and in the SW 1/4 and SE 1/4 of Section 35 in Page Township for irrigation purposes**

The Board authorized the Secretary-Treasurer to send a letter to the Office of the State Engineer stating the Board had no comment regarding *Application No. 6699* for Tyler McPherson to divert water from ground-water sources in the NW 1/4 and SW 1/4 of Section 7 in Erie Township and the SW 1/4 and SE 1/4 of Section 35 in Page Township for irrigation purposes.

**Bills**

It was moved by Manager Thompson and seconded by Manager Ecker to approve payment of Checks #3917 through #3928 and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

**Drain #23 – culvert in the NW 1/4 of Section 8 in Gardner Township**

Curtis Vanek presented his concerns about a culvert on Drain #23 in the NW 1/4 of Section 8 in Gardner Township. Chairman Buringrud advised Mr. Vanek to contact Brady Woodard of Moore Engineering, Inc. and have Mr. Woodard inspect the culvert at his earliest convenience.

**Elm River Dam #3 – cost share**

Mr. Opat stated that the cost share arrangement for Elm River Dam #3 needs to be addressed as the project will be proceeding in the near future. Mr. Fredricks will follow up with the Elm River Joint Water Resource District Secretary-Treasurer.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Thompson, seconded by Manager Ecker and unanimously carried to adjourn the meeting.

APPROVED:

---

Michael R. Buringrud  
Chairman

ATTEST:

---

Carol Harbeke Lewis  
Secretary-Treasurer